

Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 11/3/2016 1:08:49 PM
To: Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]
Subject: RE: RCRA - SEPs
Attachments: WF_EB_upper bound_environmental coordinator.pdf

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP



WF_EB_upper
bound_environm...

Thanks for your help!

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

From: Makepeace, Caroline
Sent: Thursday, November 03, 2016 8:32 AM
To: Welles, Laura <Welles.Laura@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>
Subject: FW: RCRA - SEPs

Laura –

Like I mentioned, I'm no expert in this, and it's been a long time since I ran BEN. So, by way of this "cc," I'll do what I'd do – check with the go-to-guy who's a wizard with BEN, Phil Milton.

Phil, if you have a minute to spare from your Flint travails (Laura, Phil is on detail as technical lead for the Flint matter, so if he can't carve out time to look at this, it's not cause he hates us!) – what are your thoughts on this approach to BEN, and the runs Laura's done? She is working on a global settlement with Whole Foods, re their failure to properly identify and handle hazardous waste (mostly returned items), with a very short fuse, hoping to settle before end of calendar year. Thanks, man!

Ex. 5 AC/AWP/DP

Caroline Makepeace
Senior Counsel
Cross-Cutting Policy Staff
Office of Civil Enforcement
US Environmental Protection Agency
202-564-6012

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From: Welles, Laura
Sent: Monday, October 31, 2016 12:01 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: RCRA - SEPs

Caroline,

Thanks for your call this morning. I called the contractor and I've attached a BEN calculation that reflects what the contractor advised me to do with this type of situation. Here's a summary of the steps:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

How does this EB approach look to you? I want to make sure it's consistent, etc. I have to admit that I'm not the greatest with numbers... I plan to run two other runs – lower and typical estimates for small generator initial.

Thanks,
Laura

Laura Welles
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<< File: WF_EB HW determination_Small Generator Initial_Upper Bound Estimate_Background Review.pdf >> << File:
1997 RCRA EB cost estimates.pdf >>

From: Welles, Laura
Sent: Monday, October 31, 2016 9:34 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: RCRA - SEPs

Caroline,

I'm working on the Whole Foods penalty calculation and I have a BEN question. Diana suggested I contact you to see who the point of contact is for BEN. My question relates to EB for failure to conduct hazardous waste determinations. I have some estimated costs using EPA's 1997 "Estimating Costs for the Economic Benefits of RCRA Noncompliance." What I'd like to do is use BEN to bring the estimated costs (1997 dollars) into today dollars. It's been a long time since I've used BEN and so I'm not sure how to make the conversion.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
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From: Makepeace, Caroline
Sent: Wednesday, September 28, 2016 12:46 PM
To: Welles, Laura <Welles.Laura@epa.gov>; Cavalier, Beth <Cavalier.Beth@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: RCRA - SEPs

Thanks, Laura!

Caroline Makepeace

Chief, Litigation and Cross-Cutting Policy Branch, and
Acting Chief, Litigation and Audit Policy Branch
Special Litigation and Projects Division
Office of Civil Enforcement
US Environmental Protection Agency
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From: Welles, Laura
Sent: Wednesday, September 28, 2016 12:39 PM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Cavalier, Beth <Cavalier.Beth@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: RCRA - SEPs

The context is similar to Region 6's recent settlement with Whole Foods –
<https://www.epa.gov/newsreleases/whole-foods-agrees-improve-waste-management-epa-settlement>

R6's CAFO involved two RCRA counts: (1) failure to make HW determinations and (2) failure to comply with the Universal Waste Requirements (see attached CAFO).

<< File: 6ENH.Whole Foods Market CAFO.TX.09.19.16.pdf >>

I hope this helps.

Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
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From: Makepeace, Caroline
Sent: Wednesday, September 28, 2016 12:12 PM
To: Cavalier, Beth <Cavalier.Beth@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: RCRA - SEPs

Yes, please, that'd be most efficient and effective, instead of just starting the wheels turning tomorrow afternoon – especially if you are in any hurry. Can't really do SEP analysis without specific context.

Caroline Makepeace
Chief, Litigation and Cross-Cutting Policy Branch, and
Acting Chief, Litigation and Audit Policy Branch
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From: Cavalier, Beth
Sent: Wednesday, September 28, 2016 10:33 AM
To: Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: RCRA - SEPs

Diana, Andy, Laura – it would be helpful to know what sort of violations you are dealing with, as the nexus requirement will depend greatly on the type of violation, the pollutant, the impacts.... Can you provide any information about the enforcement action in question ahead of the meeting? Thanks!!

Beth

From: Makepeace, Caroline
Sent: Wednesday, September 28, 2016 10:25 AM
To: Saenz, Diana <Saenz.Diana@epa.gov>; Cavalier, Beth <Cavalier.Beth@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: RCRA - SEPs

Look forward to talking, but just a heads-up that I need to leave for the 1st item at the Cynthia general at 3. See you tomorrow.

Caroline Makepeace
Chief, Litigation and Cross-Cutting Policy Branch, and
Acting Chief, Litigation and Audit Policy Branch
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-----Original Appointment-----

From: Saenz, Diana
Sent: Wednesday, September 28, 2016 10:23 AM
To: Makepeace, Caroline; Cavalier, Beth; Crossland, Andy; Welles, Laura
Subject: RCRA - SEPs
When: Thursday, September 29, 2016 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomAR54140VideoConf@epa.gov

Brainstorm Potential RCRA SEPs.